

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MAGISTRATE JUDGE Chen

TRACEY A. SMITH
Plaintiff,

v.

UNITED RENTALS, INC.
Defendant.

03 12519 GAO

Civil Action No. _____

RECEIPT # 52541

AMOUNT \$ 150

SUMMONS ISSUED _____

LOCAL RULE 4.1 _____

WAIVER FORM _____

MCF ISSUED _____

BY DPTY. CLK. 768

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a), Defendant United Rentals, Inc. (the "Defendant" or "United Rentals") files this Notice to remove the above-captioned case to this Court. In support of removal, United Rentals respectfully states as follows:

1. United Rentals is the Defendant in a civil action brought on or about November 4, 2003 in the Superior Court for Plymouth County, Massachusetts, identified as Tracy A. Smith v. United Rentals, Inc., Civil Action No. 03-1319-A (the "State Court Action").

2. A copy of the Complaint, which is the initial pleading setting forth the claim for relief upon which this action is based, was served upon United Rentals on November 17, 2003. This Notice of Removal is filed within thirty (30) days of notice upon United Rentals of this action and is timely filed pursuant 28 U.S.C. § 1446(b).

3. The Plaintiff, Tracy A. Smith, is an individual with a residence located at 33 Mayflower Street, Plymouth, Plymouth County, Massachusetts.

4. The Defendant, United Rentals, is a Delaware Corporation with a principal place of business located at 4 Greenwich Office Park, Greenwich, Connecticut.

5. The State Court Action arises out of an employment dispute, where the Plaintiff alleges that she was wrongfully terminated in retaliation for initiating a sexual harassment complaint against her then supervisor.

6. The amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000. The Plaintiff's Civil Action Cover Sheet, filed herewith, states that the Plaintiff seeks damages in an amount greater than \$92,000.

7. Removal of this action is proper under 28 U.S.C. § 1441 as it is a civil action brought in a state court, and the District Courts of the United States have original jurisdiction over the subject matter under 28 U.S.C. § 1332 as the Plaintiff and the Defendant are diverse in citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs. The District of Massachusetts embraces the State Court Action in which the Plaintiff and the Defendant are parties.

8. The State Court Action does not fall within any class of actions which, under applicable rules, laws, or statutes, is prevented from or limited in the right of removal.

9. Pursuant to 28 U.S.C. § 1446(d), notice of the filing of this Notice of Removal is being given to all parties in the State Court Action by filing a Notice of Filing Notice of Removal of Action, along with a copy of this Notice of Removal, in the State Court Action and by service upon all parties in accordance with applicable law.

10. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon United Rentals are attached hereto as Exhibit A. Pursuant to L.R. 81.1, United Rentals will file in this Court, within thirty (30) days after filing this Notice of Removal, certified or attested copies of all records and proceedings in the Plymouth Superior Court and a certified or attested copy of all docket entries in the Plymouth Superior Court.

11. United Rentals reserves the right to raise all defenses and objections in this action after the action is removed to this Court.

**DEFENDANT,
UNITED RENTALS, INC.**



David B. Wilson, BBO# 548359
Al Harmon, BBO# 655832
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108-4404
(617) 557-5900

Date: December 16, 2003.

CERTIFICATE OF SERVICE

I, hereby certify that on this 16th day of November, 2003, I served a true copy of the foregoing document via first-class mail, postage prepaid, upon the following:

Kevin B. Callanan
17 Accord Park Drive
Norwell, MA 02066



Al Harmon